

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

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OWEN W. BARNABY,  
Plaintiff- Appellant

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)

Vs.

) Hon. Robert J. Jonker  
) Hon. Mag. Sally J. Berens

MICHIGAN STATE GOVERNMENT, ET, AL  
Defendants- Appellees

) Case No. 1:22 -CV- 1146

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**MOTION FOR CLARIFICATION AND ORDER FOR,  
NEW DEFENDANTS' SUMMONSES (ECF Nos.38, 39,40,41,42,43,44,45,46)**

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Comes now, Plaintiff, In Pro Se, with his Motion for Clarification and Order for New Defendants' summonses (ECF Nos.38, 39,40,41,42,43,44,45,46). First, on January 06, 2023, Plaintiff filed his Motion(ECF No.37), entitled,

**'EXPEDITED CONSIDERATION REQUESTED'**

**'PLAINTIFF'S EMERGENCY MOTION TO, 'AMEND OR LEAVE TO AMEND, SECOND AMENDED COMPLAINT', AND 'CLARIFICATIONS, ON REPORT AND RECOMMENDATION AND ON MOTION TO DISMISS, SECOND AMENDED COMPLAINT', AND '[PRESERVATION] OF PLAINTIFF'S MOTIONS FOR DEFAULT JUDGMENT AGAINST DEFENDANTS AND APPLICATION FOR DEFAULT JUDGMENT'**

Second, on January 07, 2023, Plaintiff set forth request for New Defendants' summonses to be issued, (ECF Nos.38, 39,40,41,42,43,44,45,46). After days went by and the summonses were not issued, Plaintiff then called the Clerk of Court to inquire the reasons behind not issuing the Summonses. The Clerk of Court share that, the Court stopped the Clerks office from issuing the Summonses, (ECF Nos.38, 39,40,41,42,43,44,45,46).

Third, the District Court Denied Plaintiff's Motion(ECF No.37, 62, 67, 68). Plaintiff Appealed the District Court Denial of his Motion (ECF Nos.37, 64, 69). The Sixth Circuit Appellate Court reversed District Court's Judgment and "...REMAND for further proceedings consistent with this Order." Motion (ECF Nos.37, 72, 73). On Order following Remand, Plaintiff is Appealing the Magistrate Judge's Orders, that they violated the Sixth Circuit Appellate Court's Order and Final Judgment (ECF Nos. 72, 73, 91, 94, 96, 100, 109).

Fourth, Plaintiff's Appeal contends that, some of the many ways the Magistrate Judge's Orders violated the Sixth Circuit Appellate Court's Order and Final Judgment, are as follows:

"All Defendants abandoned, waived and forfeited filing answers or valid Rule 12 motion, or Rule 12 motions, to Plaintiff's, Second and Third Amended

Complaint(ECF Nos.10,36) within the 21 or 28 days' required time span; both the ones who accepted and the ones who willfully rejected Plaintiff's properly served Summonses and copies of Complaint(ECF Nos.10,36), Defendants even violated Order(ECF Nos., 35,56), to file responses within 14, and 28 days after R&R, and did not appeal Orders, Final Judgment(ECF Nos.25,35,56,62,67, 68) and did not file any motion to safeguard any rights, and forfeited any rights they may have had, because they relied on the District Court to defend them, Plaintiff contends, Praise GOD!, for appellate review, and now that their plan failed, yet the Magistrate Judge Denied Plaintiff's default and default judgment entrance against all same Defendants, which are required as a matter of law: Fed. R. Civ. P. 55 (a), (b)(1)or(2); Fed. R. Civ. P. 1; (The doctrine of the law of the case); (The law of the case doctrine); Res Judicata and Collateral Estoppel; Fed. R. Civ. P. 12 (a)(2) (b)(1)(A); etc."

## ARGUMENT

**First**, Plaintiff seeks clarification why the Court is yet to permit or order the Clerk of Court to issue the New Defendants' summonses (ECF Nos.38, 39,40,41,42,43,44,45,46) so Plaintiff can serve Summonses on New Defendants.

**Second**, Plaintiff seeks clarification on how further proceedings in this District Court in respect to the New nine Defendants, will progress. See, **One** and **Two**, bellow:

1). THE HONORABLE ELIZABETH T. CLEMENT, C.J ; 2). THE HONORABLE BRIDGET M. Mc CORMACK C.J; 3). THE HONORABLE ELIZABETH L. GLEICHER, C.J; 4). THE HONORABLE CHRISPHER M. MURRAY, C.J; 5). MICHIGAN COURT OF APPEALS, for the State of Michigan; 6). THE HONORABLE ALFRED M. BUTZBAUGH, F.C.J; 7). THE HONORABLE MABEL J.MAYFIELD, C.J; 8). THE HONORABLE GARY J. BRUCE, C.J; 9). BERRIEN COUNTY TRIAL COURT, for the State of Michigan.

**One**, how proceeding will progress if, Plaintiff and the immediate above Nine New Defendants, the Michigan Judicial Courts and their Judges cannot reach a stipulated Declaratory Judgment and on how the purging of their Courts' record of Forgery and Unauthorized Practice of Law (ULP).

**Two**, if, the United States District Court Judge, the Honorable Robert J. Jonker affirms the Honorable Magistrate Judge's Order, which shall automatically trigger an Interlocutory Appeal to Federal Sixth Circuit Appellate Court; how will this Court proceed in respect to the New nine Defendants, listed, above?

### **Relief Requesting**

For the reasons articulated therein, Plaintiff humbly and respectfully request and hope that it will please this Your Honorable Court, to grant Plaintiff Clarification and set forth an Order on all the issues raised above.

Respectfully Submitted,

Dated: January 21, 2023,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

### **CERTIFICATE OF RULE COMPLIANCE**

This brief complies with the word limit of L. Civ. R. 7.3(b)(i) because it contains 713 words, excluding the parts exempted by L. Civ. R. 7.3(b)(i). The word count was generated using Microsoft Word 2013.

Respectfully Submitted,

Dated: January 21, 2024,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

**CERTIFICATE OF SERVICE**

The undersigned states that on the 21<sup>st</sup> day of January 2024, a duplicate original of Plaintiff's, "Motion for Clarification and Order for New Defendants' summonses (ECF Nos.38, 39,40,41,42,43,44,45,46)", was filed with the Clerk of the Court, using the ECF System, which will provide electric notice to the parties of record, and I have emailed/mailed by U.S. Postal Service the same to non-ECP participants.

Respectfully Submitted,

Dated: January 21, 2024,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.

**UNITED STATES DISTRICT COURT  
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**CERTIFICATE REGARDING COMPLIANCE WITH LCivR 7.1(d)**

**For,  
MOTION FOR CLARIFICATION AND ORDER FOR,  
NEW DEFENDANTS' SUMMONSES (ECF Nos.38, 39,40,41,42,43,44,45,46)**

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In accordance with W.D Mich. LCivR 7.1(d), the undersigned hereby states that concurrence is not applicable because his “Motion for Clarification and Order for New Defendants’ summonses (ECF Nos.38, 39,40,41,42,43,44,45,46)”, is about the New Defendants not yet served.

Respectfully Submitted,

Dated: January 21, 2024,

\S/ Owen W. Barnaby  
Owen W. Barnaby, In Pro Se.